

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID GLEN BERRYHILL JR.,

Defendant.

CRIMINAL COMPLAINT

Case No. 23-MJ-20-GLJ

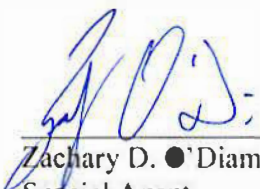
I, Zachary D. O'Diam, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about January 25, 2023, in the Eastern District of Oklahoma, **DAVID GLEN BERRYHILL JR.**, committed the crime of possession with intent to distribute methamphetamine in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

I further state that I am a Special Agent with the Drug Enforcement Administration, and that this complaint is based on the following facts:

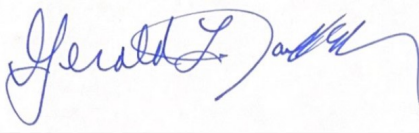
(See attached Affidavit of Zachary D. O'Diam, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.


Zachary D. O'Diam
Special Agent
Drug Enforcement Administration

Sworn to me on January 26, 2023

GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer



AFFIDAVIT IN SUPPORT OF COMPLAINT

1. I, Zachary O'Diam, a Special Agent with the Drug Enforcement Administration, having been duly sworn, do depose and state the following:

2. I am a Special Agent with the Drug Enforcement Administration (DEA), and have been since October, 2019. Prior to my career with DEA I was a police officer with the City of Dayton, Ohio from August of 2012 to June of 2019.

3. I have attended training specific to the investigation of illegal drug offenses provided by DEA, El Paso Intelligence Center, Dayton Police Department, and the Ohio Peace Officer Training Academy. My experience includes, but is not limited to patrol, investigations, conducting physical surveillance, and executing search warrants relating to numerous offenses including drug crimes. I have experience in investigating drug cases that have led to the successful prosecution of persons involved in various drug and weapon offenses. I have consulted with other experienced officers in narcotics investigations, and I have worked with other local, state, and federal law enforcement agencies.

4. As a Special Agent with the DEA, I am an investigative law enforcement officer of the United States of America within the meaning of Section 878 of Title 21, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 878 of Title 21, United States Code.

5. I am familiar with the facts and circumstances of this investigation as a result of my personal participation in the investigation referred to in this affidavit and information from discussions with other experienced law enforcement officers.

6. Based upon the following facts, I believe that probable cause exists to show that **David Glen BERRYHILL Jr.** did knowingly and intentionally, possess with intent to distribute

500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A). Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every known fact regarding the instant investigation. More specifically, I have set forth only pertinent facts that I believe are necessary to establish probable cause.

PROBABLE CAUSE

7. On or about January 25, 2023, at approximately 2:39 p.m., Oklahoma Highway Patrol Trooper Daran Koch observed a gray Dodge Challenger traveling northbound on United States Highway 69 near Checotah, McIntosh County, Oklahoma, within the Eastern District of Oklahoma. Trooper Koch observed the Dodge fail to signal to maneuver to the exit ramp lane to exit on to United States Highway 266. Due to the traffic violation, Trooper Koch, driving a marked police cruiser, initiated a traffic stop of the Dodge, which was bearing New Mexico license plate BHNG47. Trooper Koch identified **David Glen BERRYHILL Jr.** as the driver and lone occupant of the vehicle, along with a dog. **BERRYHILL** was removed to Trooper Koch's cruiser to issue a warning for the violation.

8. While conducting the traffic stop and issuing the warning, Trooper Clint Craft arrived to assist. Trooper Craft utilized his K-9 partner, Cody, to conduct a free air sniff of the vehicle. Cody alerted to the presence of drugs within the vehicle.

9. Due to positive alert from Cody, troopers conducted a pat down of **BERRYHILL**, which resulted in the discovery of a glass smoking device in his pants pocket and a small chunk of suspected methamphetamine in his shirt pocket.


10. Troopers Koch and Craft then conducted a search of the Dodge, which led to the discovery of a black bag on the rear right seat. Within this bag, troopers located approximately

seven clear plastic bags of suspected methamphetamine. This methamphetamine was later weighed and field tested at the DEA McAlester Resident Office (MRO). The field test indicated that the crystalline substance contained methamphetamine and weighed 3,173.2 gross grams (including packaging).

11. In the trunk of the Dodge, troopers located a “Yeti” brand cooler. Within the cooler was approximately 34 clear plastic bags containing a crystalline substance, however, the substance appeared different than the suspected methamphetamine recovered from the backseat. A later field test did not return with the presence of a controlled substance and weighed approximately 18.0 gross kilograms (including packaging).

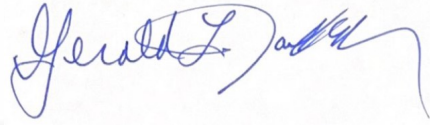
12. Oklahoma Bureau of Narcotics (OBN) Agent and DEA Task Force Officer Jason Tucker advised **BERRYHILL** of his *Miranda* warnings. **BERRYHILL** advised that he understood and was willing to speak with investigators. OBN and DEA investigators interviewed **BERRYHILL** at the scene of the traffic stop. In part, **BERRYHILL** admitted to picking up the large cooler of unknown substance and the black bag that contained the suspected methamphetamine, and to being a “mule.” However, **BERRYHILL** advised he did not want speak about specifics at that time. **BERRYHILL** was transported to the MRO where he was processed before being transported to the Pittsburg County Jail.

13. Based upon my training and experience, 3,173.2 gross grams of methamphetamine is a distribution quantity, and I believe that probable cause exists to show that **David Glen BERRYHILL Jr.** did knowingly and intentionally, possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A).



Zachary D. O'Diam
Special Agent
Drug Enforcement Administration

Sworn to me on this 26th day of January, 2023.



GERALD L. JACKSON
United States Magistrate Judge